Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

Message Text

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ACTION IO-14

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FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 9714
INFO AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 01 OF 02 USUN NEW YORK 00640

E.O.11652: GDS
TAGS: UR, UN, PINS
SUBJECT: SOVIET UN MISSION AND RELATED PROBLEMS

REF: USUN 1269, 04/27/77

1. SUMMARY. SOVIET MISSION AMB FOKINE, ACCOMPANIED BY LEGAL OFFICER FIRYUBIN, CALLED ON AMB. LEONARD 22 FEB. FOKINE DISCUSSED (A) USSR DESIRE FOR AN ADDITIONAL 300-350 UNIT APARTMENT BUILDING ON THEIR RIVERDALE PROPERTY OR IN NYC; (B) POTENTIAL ADVERSE EFFECTS ON DIPLOMATIC IMMUNITY AND PRACTICE OF H.R. 7819 REQUIREMENTS CONCERNING JUDICIAL APPEARANCE IN ORDER TO OBTAIN DISMISSAL OF LITIGATION AND AUTOMOBILE INSURANCE; AND (C) A RECENT USUN CIRCULAR NOTE DRAWING ATTENTION OF UN MISSIONS TO CRITERIA FOR ENTITLEMENT TO PRIVILEGES AND IMMUNITIES FOR DIPLOMATIC OFFICERS ACCREDITED TO THE UN.

2. DETAILS. FOKINE SAID HE HAD SOUGHT THE DISCUSSION TO BRING CERTAIN MATTERS RELATING TO THE FUNCTIONING OF SOVIET MISSION TO AMB LEONARD'S ATTENTION, THOUGH NOT TO REGISTER A COMPLAINT, MUCH LESS A PROTEST. THEY WERE CALLING ON USUN IN THE SPIRIT OF THE USSR NOTE OF 22 APRIL 77 (REFTEL) SOLICITING USUN COOPERATION ON SMUN ACCOMMODA-TIONS. FOKINE REVIEWED THE DISCUSSIONS HE AND FIRYUBIN
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HAD IN THE DEPARTMENT WITH OFFICERS OF PROTOCOL AND THE LEGAL ADVISER'S OFFICE ON 1 NOV. HE SAID THE USSR HAS FOUND THEIR INSTALLATION AT RIVERDALE INSUFFICIENT IN TERMS OF HOUSING. THEY NEED 300-350 ADDITIONAL UNITS IN RIVERDALE OR MANHATTAN. SOME EIGHTY PER CENT OF THESE WOULD BE NEEDED TO HOUSE PERSONNEL WHO WORK AT SMUN AND THE OTHER USSR OFFICES IN MANHATTAN. THE OTHER 20 PER CENT

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WOULD ACCOMMODATE PERSONNEL SENT BY MOSCOW ON AN AD HOC BASIS TO PARTICIPATE IN SHORT-TERM SESSIONS OF VARIOUS UN BODIES MEETING AT HEADQUARTERS, AS WELL AS FOR PERSONNEL ARRIVING IN NYC EN ROUTE TO WASHINGTON ON BILATERAL BUSINESS.

3. AN ADDITIONAL BUILDING OF THIS SIZE WOULD PERMIT SMUN TO BRING TOGETHER SOVIETS CURRENTLY OCCUPYING ACCOMMODATIONS SCATTERED THROUGHOUT THE NYC AREA. SMUN HAD BEEN DISTRESSED WHEN THEY RECENTLY RECEIVED A USUN LETTER STATING THAT THE DEPARTMENT WOULD NOT AGREE TO THE ACQUISITION OF THE CONNAUGHT TOWER APARTMENTS ON 54TH STREET. (THAT PROPERTY IS, HOWEVER, NO LONGER ON THE MARKET.) FOKINE SAID BASIC PROBLEM COULD BE SOLVED BY CONSTRUCTING A NEW APARTMENT BUILDING ON THE RIVERDALE PROPERTY. WHILE THEY HAVE NOT YET APPLIED FOR THE NECESSARY ZONING VARIANCE, THEY ARE CONCERNED THAT A RECENT RIVERDALE ZONING BOARD DENIAL OF AN EDUCATIONAL INSTITUTION'S VARIANCE APPLICATION BODES ILL FOR A SMUN REQUEST. (HE SAID CURRENT RIVERDALE ZONING WOULD ALLOW CONSTRUCTION OF ONLY AN 80-UNIT BUILDING.) FIRYUBIN IDENTIFIED SEVERAL FACTORS THAT COULD MAKE A NYC LOCATION MORE DESIRABLE FOR THE SOVIETS, NOTING: 1. THE 2-4 YEAR LEAD TIME REQUIRED TO CONSTRUCT A BUILDING IN RIVERDALE IN CONTRAST TO BUYING AN EXISTING BUILDING IN MANHATTAN; 2. THE PREFERENCE OF MANY SINGLE OR CHILDLESS SMUN PEOPLE TO LIVE IN MANHATTAN; 3. THE CONVENIENCE OF MANHATTAN FOR THE CONFIDENTIAL

BRIEFLY TRANSIENT ADDITIONS TO THE SOVIET UN COMMUNITY; AND, 4. THE DIFFICULTY AND ADDED COST OF CONSTRUCTION ON THE RIVERDALE TERRAIN.

4. IN RESPONSE TO LEONARD'S QUESTIONS, FOKINE COMMENTED THAT THE RIVERDALE SITUATION IS A HAPPY ONE FOR THE SOVIETS LIVING THERE. HE DESCRIBED IT AS A VERY SECURE PLACE TO LIVE. SOME 400 CHILDREN ATTEND ITS SCHOOL AND KINDERGARTEN. HE BELIEVED THE QUIET, GOOD CONDUCT AND DECENCY OF ITS RESIDENTS HAVE PLAYED AN IMPORTANT ROLE IN THE GENERALLY GOOD RELATIONS OBTAINING WITH THE RIVERDALE COMMUNITY, AND NOTED THEIR COMPLEX HAS BEEN HELPFUL TO THE LOCAL ECONOMY.

5. AMB LEONARD SAID USUN WISHES TO BE HELPFUL TO SMUN PROBLEMS IN APPROPRIATE WAYS, TO LEARN MORE OF THE CHARACTER OF THESE PROBLEMS AND TO ASSIST IN SUGGESTING PRACTICAL POSSIBILITIES FOR THEIR RESOLUTION. HE OBSERVED THAT THE DEPARTMENT HAS ALWAYS ASKED THE USSR TO DEAL BILATERALLY WITH THE USG ON MATTERS INVOLVING SUCH NON-SMUN SOVIET COMMUNITY PERSONNEL AS EMPLOYEES OF TASS, AEROFLOT, ETC. WE COULD APPRECIATE FOKINE'S POINT AS TO THE

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PSYCHOLOGICAL TRUISM THAT FAMILIES OF THESE PERSONS ARE
ALSO A PART OF THE SOVIET COMMUNITY IN THE NY AREA, BUT THE
PRESENCE OF THESE NON-DIPLOMATIC PERSONNEL COMPLICATED THE
SITUATION. OUR INSTRUCTIONS ON SUCH MATTERS COME FROM
WASHINGTON. WITH RESPECT TO THE SOVIET REQUEST FOR
ASSISTANCE IN OBTAINING A VARIANCE, LEONARD NOTED WE HAVE
ALREADY CONVEYED TO SMUN OUR WILLINGNESS TO BE HELPFUL AT
AN APPROPRIATE TIME IN DOING WHAT WE CAN TO SUPPORT A SMUN
APPLICATION, ALTHOUGH, OF COURSE, WE COULD NOT PREDICT

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THE RESULT. FOKINE COMMENTED THAT USUN HELP OF THIS SORT
WOULD BE OF GREAT VALUE IF THE USSR DECIDES TO FILE AN
APPLICATION.

6. TURNING TO PENDING LEGISLATION ON DIPLOMATIC PRIVILEGES
AND IMMUNITIES, FOKINE SAID THE USSR IS AWARE THAT
H.R. 7819 HAS PASSED THE HOUSE AND MAY SHORTLY BE TAKEN UP
IN SENATE COMMITTEE. ON 31 SEPT MINISTER VASEV HAD
PROTESTED TO THE DEPARTMENT AND THERE HAD BEEN A DISCUSSION
IN MOSCOW WITH AMEMBASSY LAST MONTH. SOV GOVT IS
PARTICULARLY TROUBLED BY SEC 5, WHICH SEEMS TO REQUIRE
THAT A DIPLOMAT ENTITLED TO DIPLOMATIC P AND I MUST HIMSELF
MOVE OR APPLY IN WRITING TO DISMISS AN ACTION BROUGHT
AGAINST HIM IN A U.S. FEDERAL OR STATE COURT. THEY CON-
SIDERED THIS BURDEN INCONSISTENT WITH TRADITIONAL INTERNA-
TIONAL LAW AS CODIFIED IN THE 1961 VIENNA CONVENTION ON
DIPLOMATIC RELATIONS AND A VERY UNHAPPY DEPARTURE FROM THE
CENTURY-OLD PRACTICE WHEREBY THE EMBASSY CONCERNED WOULD
SIMPLY APPLY TO THE STATE DEPARTMENT FOR ASSISTANCE IN THE
EVENT OF AN ACTION AGAINST A DIPLOMAT. AS AN ASIDE,
FOKINE COMMENTED THAT THE FONMIN HAS BEEN SOMEWHAT DISMAYED
BY WHAT THEY CONSIDER THE LOW LEVEL OF CONCERN ON THE PART

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OF DEPARTMENT OFFICERS WITH THE PROPOSED LEGISLATION.
MISOFF COMMENTED THAT USUN IS NOT AWARE HOW THIS SECTION
OF THE BILL WOULD OPERATE IF ENACTED, AND UNDERTOOK TO SEEK
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INSTRUCTIONS.

7. FOKINE ASSERTED THAT SEC. 6 OF THE BILL CONCERNING
AUTOMOBILE INSURANCE WOULD HAVE THE EFFECT OF REDUCING THE
NUMBER OF INSURANCE COMPANIES WILLING TO DEAL WITH THE
DIPLOMATIC COMMUNITY AND OF INCREASING PREMIUMS FOR
DIPLOMATS. LEONARD AND MISOFFS DREW ATTENTION TO LONG-
STANDING NY STATE REQUIREMENT OF PROOF OF INSURANCE BEFORE
LICENSE PLATES ARE ISSUED AND SAID THAT PURPOSE OF THE BILL
IS TO BRING ABOUT SIMILAR RESULT IN THE DC AREA. WE ALSO
NOTED THAT CERTAIN UNSCRUPULOUS INSURERS HAD IN THE PAST
HIDDEN BEHIND DIPLOMATIC IMMUNITY TO AVOID PAYING COMPEN-
SATION AND RECALLED SOME PARTICULARLY DEPLORABLE CASES OF
UNCOMPENSATED INJURIES IN DC. FOKINE WAS AWARE OF THESE.
LEONARD EXPLAINED THERE IS NO REASON WHY INSURANCE SHOULD
COST DIPLOMATS ANY MORE THAN AMERICAN CITIZENS. FOKINE
NOTED SMUN HAS RECENTLY BOUGHT INSURANCE ON ALL ITS
VEHICLES FROM ONE INSURER, HIS IMPLICATION BEING THIS HAS
PROVEN ADVANTAGEOUS.

8. FOKINE CLOSED BY OBJECTING TO THE TONE OF A RATHER STIFF
16 JAN USUN CIRCULAR TO DIPLOMATIC MISSIONS IDENTIFYING
CRITERIA THAT MUST BE MET TO ENTITLE A UN PERMANENT MISSION
OFFICER TO DIPLOMATIC P AND I (PERFORM DIPLOMATIC DUTIES
ON ESSENTIALLY FULL-TIME BASIS, POSSESS RECOGNIZED DIPLO-
MATIC TITLE, RESIDE IN THE NY AREA, ETC.). MOSCOW PREFERS
MATTERS OF THIS CHARACTER BE DEALT WITH BILATERALLY HE
SAID. LEONARD AND MISOFF EXPLAINED THAT THE CIRCULAR NOTE
TECHNIQUE IS AN APPROPRIATE EDUCATIONAL VEHICLE IN A LARGE
DIPLOMATIC COMMUNITY WHERE PARTICULAR PROBLEMS ARISE WITH
A CERTAIN FREQUENCY. THE CIRCULAR NOTE PROVIDED A WAY OF
DEALING--IN A LESS PUBLICITY-PRONE WAY THAN IF THE U.S.
WERE TO ASK FOR A MEETING OF THE HOST COUNTRY RELATIONS
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COMMITTEE--WITH PROBLEMS COMMON TO UN MISSIONS UNFAMILIAR
WITH THE SUBTLETIES OF THEIR DIPLOMATIC STATUS. THEY
NOTED THAT IN THE FUTURE USUN MIGHT BE ADDRESSING
CIRCULARS ON SUCH MATTERS AS PROMPT PAYMENT OF DEBTS. THE
SOVIET MISSION AND MOSCOW SHOULD NOT TAKE THESE CIRCULARS
AS BEING AIMED AT THEM, SINCE THE PROBLEMS ADDRESSED WERE

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NOT ONES WHICH HAD COME UP AT ALL IN OUR DEALINGS WITH
SMUN. THIS ASSURANCE SEEMED TO RELIEVE FOKINE. YOUNG

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